

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

EDWARD ROY NEWSOME

§

VS.

§

CIVIL ACTION NO. 1:10cv336

DOCTOR UY, ET AL

§

MEMORANDUM OPINION REGARDING VENUE

Plaintiff Edward Roy Newsome, an inmate confined in the Clements Unit of the Texas Department of Criminal Justice, Institutional Division, proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against Dr. Uy, S. Tenorio, Ms. Chavez, Captain Fuller and Ms. Skinner. The defendants are employed at the Clements Unit.

Analysis

The Civil Rights Act, 42 U.S.C. § 1981, *et. seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bales*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

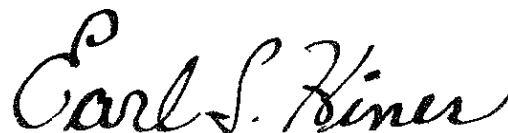
When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose.

Plaintiff complains of events which occurred at the Clements Unit, which is in Potter County. As a result, plaintiff's claims arose in Potter County. In addition, the defendant appears to reside in Potter County. Pursuant to 28 U.S.C. § 124, Potter County is located in the Amarillo Division of the United States District Court for the Northern District of Texas.

As Potter County is located in the Northern District of Texas, venue in the Eastern District of Texas is not proper. When venue is not proper, the court "shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a).

Accordingly, this case should be transferred to the Amarillo Division of the United States District Court for the Northern District of Texas. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

SIGNED this 28 day of June, 2010.

A handwritten signature in black ink, reading "Earl S. Hines". The signature is written in a cursive style with a large, stylized "E" and "H".

EARL S. HINES
UNITED STATES MAGISTRATE JUDGE